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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
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Gregory LINDHORST et al.) Group Art Unit: 2176
)
Serial No. 09/223,774) Examiner: William Bashore
)
Filed: December 31, 1998) Atty. Dkt. No. 003797.77995
)
For: PAGE OBJECT MODEL)

APPEAL BRIEF

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is an Appeal Brief in accordance with 37 C.F.R. § 1.192, filed in triplicate in support of Appellants' March 7, 2003, Notice of Appeal. Appeal is taken from the Final Office Action mailed November 7, 2002 (paper no. 11). Please charge any necessary fees in connection with this Appeal Brief to our Deposit Account No. 19-0733.

I. REAL PARTY IN INTEREST

The owner of the above-identified application, and the real party in interest, is Microsoft Corporation.

II. RELATED APPEALS AND INTERFERENCES

The present application is related to U.S. Patent Application Serial No. 08/223,565 (filed December 31, 1998), in which the Appellants have filed an Appeal Brief on May 24, 2002. The present application is also related to U.S. Patent Application Serial No. 09/223,558 (filed December 31, 1998), in which the Appellants have filed an Appeal Brief on February 27, 2003.

III. STATUS OF CLAIMS

Claims 1-11 are rejected. All of the pending claims are being appealed and are shown in the attached appendix.

The final Office Action rejected all of the pending claims under 35 U.S.C. § 103(a) as being unpatentable over Glaser, U.S. Patent Number 5,953,731.

IV. STATUS OF AMENDMENTS

No claim amendments were entered subsequent to the Final Office Action dated November 7, 2002.

V. SUMMARY OF INVENTION

In making reference herein to various portions of the specification and drawings in order to explain the claimed invention (as required by 37 C.F.R. § 1.192(c)(5)), Appellants do not intend to limit the claims; all references to the specification and drawings are exemplary unless otherwise explicitly stated. Also, references herein to various embodiments disclosed in the specification and drawings are not intended to limit the disclosed structures that correspond to those claim elements, if any, that might be interpreted as means-plus-function recitations.

The specification describes in one example, pages implemented as objects. The page may contain methods and properties associated therewith. Specification, page 22, lines 17-19. In one embodiment, a first page uses a second page as if the second page were an object with associated methods and properties. Specification, page 22, lines 20-21. A document may have a name, methods and properties. Methods may be implemented in either the local space or in the compositions space. Specification, page 23, lines 3-5. The existence of a method on a document is a means of requesting custom composition of a page. Specification, page 23, lines 11-12. A method may be called and the page may be recomposed according the instructions in the method. Specification, page 23, lines 12-13. The existence of a property on a document is a means of storing data in association with that document. Specification, page 23, lines 18-19.

In one embodiment of the page object model, one document may reference another using the claimed invention at design time in the design space. Specification, page 24, lines 4-6. The reference permits the author to gain access to the methods of another document from the current document. Specification, page 24, lines 6-7. In an example of a first page treating a second page as an object, a first page includes a button, which is selected to access the second page. Specification, page 24, lines 14-16. In this example, the pages are treated as objects which means that each page has its own transportable properties and methods associated with it. Specification, page 25, lines 3-5. In this way, a developer may embed objects in a second page and address the objects individually. Specification, page 25, lines 6-7.

In an example of the claimed invention, a list of available methods on a target page is presented. Specification, page 25, lines 17-18. A page object control (for example, a design time control (DTC)) may be placed on each page object DTC (which may be placed at the top of the page, for example) for scanning the page for content when the page is refreshed or accessed and parses the uncovered methods to create a list of script content in the page. Specification, page 25, lines 17-21. The knowledge of the page object control (DTC) may be accessed by other pages. Specification, page 25, line 23. As an example, if a developer is adding a reference to page 2 from page 1, the developer is interacting with the page object control (DTC) on page 1. When the reference (to page 2 from page 1) is added, the page 1 page object control (DTC) may examine the contents of page 2, and locate the page object control (DTC) information in that file (i.e., page 2). It then instantiates the page 2 page object control (DTC) and retrieves a list of its object model elements from the page 2 page object control (DTC). Specification, page 25, lines 24-28.

In another example, a page is created in an editor by editing a design time page object control that provides property pages. Specification, page 27, lines 19-21 and Fig. 7. In accessing a second page's methods and properties from a first page, the first page creates a reference to the second page, which causes script to be added to the first page. Specification, page 27, lines 26-28. This causes instantiation of objects as defined on the second page upon execution of the first page. Specification, page 27, lines 28-29. In one embodiment, when the reference is added, the control of the first page locates the control of the second page, then the first control (on the first page) instantiates the second page's control and obtains a description of the objects of the second page. Information from the design time control of the second page is incorporated into the design time control of the first page. Specification, page 27, line 29 – page 28, line 3. One example of using a page object model of one page in a current page involves the use of a constructor code.

Specification, page 28, line 4. A constructor code enables a proxy representation of the target page in a current page so that the designer can reference objects of the target page. Specification, page 28, lines 5-7. In this embodiment, a first page (e.g., page1.asp) is a page object and contains text which describes the page as an object. At design time, a second page can inspect the contents of the first page to determine the methods and properties of the first page and allow other pages to have code written against it. Specification, page 28, lines 8-12.

In another example, a page is received and the user selects a method (e.g., "foo.excute.method"). The browser keeps the current page and grabs the second (new) page to access the method on the second page. The browser then receives the data generated by the method and returns them to the currently running page (the first page). Thus, in this embodiment, the method effectively appears to run in the current (first) page. Specification, page 30, lines 10-17 and Fig. 9.

Thus, through the page object, scripting object model provides a general purpose way of publishing methods or properties on a page so they can be invoked from client script on a current page or on other pages that reference the current page. The page object control (DTC) provides a way of publishing methods or properties using the Page object. Specification, page 46, lines 27-31. In another example, two pages, PAGE1 and PAGE2 are provided, PAGE2 containing two methods published using a page object DTC. A reference is made to PAGE2 from PAGE1 using the page object DTC to make the methods (on PAGE2) available in the scripting object model (SOM) on PAGE1. Specification, page 47, lines 20-22.

VI. ISSUE

Whether claims 1-11 are patentable, under 35 U.S.C. § 103(a), over Glaser (U.S. Patent Number 5,953,731).

VII. GROUPING OF CLAIMS

In accordance with 37 C.F.R. § 1.192(c)(7), Appellants respectfully assert that the claims not stand or fall together. Thus, the following groups of separately patentable claims should be recognized:

GROUP I -- Independent claims 1 and 8, and dependent claims 2 and 9-11.

GROUP II -- Independent claim 3, and dependent claims 4-7.

In accordance with 37 C.F.R. § 1.192(c)(7) - (8), separate arguments for patentability for Groups I and II are provided, *infra*.

VIII. ARGUMENT

A. Claims 1, 8 and dependent claims 2 and 9-11 are Patentable, Under 35 U.S.C. § 103(a), Over Glaser

Claim 1 recites a page object control on a first page for storing a list of at least one of a method and a property associated with the first page, wherein a second page is capable of instantiating the page object control and implementing the at least one of a method and a property associated with the first page into the second page.

As previously described in the Amendment filed August 19, 2002, Glaser fails to teach or suggest a page object control as recited in claim 1. Rather, Glaser merely discloses a computer program for designing web pages where a user drags and drops a selected object (e.g., a "form") from a window into a code editor window in order to insert code for the object into the HTML code of the web page being designed. See Amendment dated April 19, 2002, page 4, last line through page 5, line 2 and Glaser reference, Figs 6B-D. Thus, Glaser merely discloses adding code to a web page design by dragging and dropping an object into an editor window. Glaser does not teach or suggest a page object control as recited in claim 1.

The Final Office Action dated November 7, 2002 asserted that Glaser disclosed an Applet list. The Applet list of Glaser is a "window displaying applets for all forms and projects known to the development computer" (Glaser, col. 7, lines 44-45 and Fig. 7C). The Patent Office asserts:

> Glaser teaches a software development environment comprising an Applet control list of all forms and projects. Glaser also teaches inserting controls from one form or HTML page onto another HTML page (Glaser Abstract, column 7 lines 40-45; compare with claim 1 "a page object control on a first page for storing a list ... associated with said first page")

Final Office Action, page 3, lines 1-4.

Appellants pointed out in the Request for Reconsideration dated February 7, 2003 that Glaser fails to teach or suggest the page object control as recited in claim 1. Although Glaser states in the abstract that "a user may select *control* from one form or HTML page and insert it into another HTML page", the "control" as referred to by Glaser is not equivalent to the page object control of claim 1. The term was extensively addressed in the Request for Reconsideration at pages 2-4 and is not repeated here. Briefly, it was explained that the term "control" as used by Glaser referred to applet code being inserted into the code for an HTML page displayed in a code editor window as illustrated in Fig. 7C of Glaser. Specifically, "control" in the Glaser reference refers to one of the elements (e.g., "GRID1") on the Applet list as illustrated in Fig. 7C of Glaser. The Examiner does not refute or deny this interpretation. There is no showing that the control of Glaser equates to the page object control as set forth in the claims.

Given that an element on the Applet list of Fig. 7C of Glaser is the "control", which the Examiner equated with the page object control of claim 1, Glaser's "control" must be "on a first page" to relate to the claims. Further, to be applied as the Examiner has suggested, Glaser's control must be for "storing a list of at least one of a method and a property associated with the first page", as recited in claim 1. As was described in the Request for Reconsideration, Glaser fails to teach or suggest a first page. In the interpretation adopted by the Patent Office, the "control" of Glaser (e.g., "GRID1" on the Applet list) is on an Applet list and the Applet list is "the first page". However, the Applet list is merely "a window displaying applets for all forms and projects known to the development computer" (see Glaser, col. 7, lines 43-45) and does not constitute "a first page." The Applet list is not a page at all but rather a window displayed by the web page design program that lists objects that may be dragged and dropped into an editor window.

Moreover, the page object control is for storing a list of at least one of a method and a property associated with the first page. Thus, even if one were to erroneously conclude that the Applet list window of Glaser is equivalent to "a first page" of claim 1, the "control" (e.g., GRID1) of Glaser does not store a list of at least one of a method and a property associated with the Applet list (assumed to be the "first page"). As was described in the Request for Reconsideration (page 5, first paragraph), the elements on the Applet list of Glaser are merely generic objects "known to the development computer" (see Glaser col. 7, line 45) and are not associated with the first page. In fact, Glaser fails to teach or suggest a "first page" at all.

The Patent Office also appears to alternatively equate the Applet list of Glaser with the page object control of claim 1. In this interpretation, the Applet list of Glaser itself was equated with the "page object control" of claim 1 and the elements on the Applet list (e.g., "GRID1") was equated with "methods" or "properties". However, the elements on the Applet list are not equivalent to methods or properties associated with the first page. The elements on the Applet list each constitutes HTML code for scripting of a specific graphical element (a grid, for example) without describing any methods or properties associated with the first page. As was pointed out in the Request for Reconsideration (page 5, second paragraph), applets are computer programs for performing a task and, without more, do not teach or suggest methods and properties.

Moreover, if the Applet list of Glaser is equated with the "page object control" of claim 1, then Glaser fails to teach or suggest the Applet list *on a first page*. The Applet list is merely "a window displaying applets for all forms and projects known to the development computer" (see

Glaser, col. 7, lines 43-45). The Applet list is not "on a first page". Indeed, the Applet list as taught does not relate to a page at all.

In response to the lack of teaching or suggestion in Glaser of "at least one of a method and a property associated with the first page", the Final Office Action asserts that "it would have been obvious to interpret said forms from said applet list as associated with HTML pages, providing the advantage of form objects that are customized to different pages." See Final Office Action page 3, lines 18-19. In this interpretation, the Patent Office equates the Applet list with "a page object control" and the individual elements on the Applet list (e.g., "FORM" or "GRID") as "a method" or "a property". As discussed above and in the Request for Reconsideration, the applets on the applet list are not methods or properties. However, even assuming one would erroneously conclude that applets are either methods or properties, one of ordinary skill in the art would still not arrive at the present invention. If the Applet list is assumed to be "a page object control" as the Patent Office has assumed, then to arrive at claim 1, at least one of the elements on the Applet list must be associated with the first page. As discussed above, under this assumption, Glaser fails to teach or suggest a first page because there is no teaching or suggestion that the Applet list is "on a first page." The Applet list is merely a window containing a list of items that may be dragged and dropped into a code editor window and does not relate to a page as claimed.

Further, Glaser fails to teach or suggest a second page as recited in claim 1. Claim 1 recites that the second page is capable of instantiating the page object control and implementing the at least one of a method and a property associated with the first page into the second page.

Nowhere does Glaser teach or suggest instantiating the page object control. Indeed, Glaser fails to teach or suggest a page object control. Regardless of which set of assumptions adopted by the Patent Office, Glaser fails to teach or suggest the second page. In one assumption, the Patent Office asserts that the "page object control" is the Applet list and stores a list of applets (e.g., "GRID1") which the Patent Office further equates with a "method" or a "property". The Patent Office then equates the second page of claim 1 with the code editor window in Glaser in Fig. 7C. As discussed above and in the Request for Reconsideration, applets alone are not methods or properties. Moreover, this assumption ignores the fact that there is no "first page" in Glaser. However, even ignoring these facts, Glaser still fails to teach or suggest a second page because the second page, as recited in claim 1, is capable of instantiating the page object control. However, the code editor window in Glaser is not disclosed as instantiating the applet list. Thus, there is no equivalent to the second page under this set of assumptions adopted by the Examiner.

In an alternative assumption adopted by the Examiner, the Examiner asserts that the "page object control" is equivalent to any one of the applets on the Applet list in Fig. 7C of Glaser and the Applet list itself constitutes the "first page." As described above and in the Request for Reconsideration, the Applet list of Glaser is not a "first page". An Applet list is merely a window displaying a list of elements that may be dragged and dropped into a code editor window. Thus, the Applet list is not a page. Moreover, the "page object control" is not equivalent to any of the applets on the Applet list (e.g., "GRID1") because none of the applets on the Applet list in Glaser stores a list of a least one of a method and a property associated with the first page (assumed to be the Applet list itself in this scenario). The applets on the Applet list in

Glaser are merely application scripts and are not methods or properties associated with the Applet list itself. Also, Glaser fails to teach or suggest the second page under these assumptions because the second page, as recited in claim 1 is capable of instantiating the page object control, the page object control on a first page for storing a list of at least one of a method and a property associated with the first page. Glaser does not teach or suggest any of these elements.

In response to Appellants' arguments, the Patent Office asserted in the Advisory Action dated March 5, 2003 that "Applicant does not clarify the definition of a page object control in the instant claims" and that "said control can be fairly interpreted … as taught by Glaser." The Patent Office does not offer any further support for this contention. Nor does the Advisory Action address or refute any of the shortcomings and deficiencies of Glaser as enumerated in the Request for Reconsideration.

In response to the assertion in the Advisory Action that "Applicant does not clarify the definition of a page object control in the instant claims", Appellants respectfully point out that the page object control is recited in claim 1 as "on a first page for storing a list of at least one of a method and a property associated with said first page." Claim 1 further recites that "a second page is capable of instantiating the page object control and implementing at least one of a method and a property associated with the first page into the second page." Not only is the page object control defined in claim 1, but also, as stated above and in the Request for Reconsideration, Glaser fails to teach or suggest any of the recited features. In summary, Glaser fails to teach an item equivalent to the page object control because nowhere does Glaser teach or suggest anything "on a first page for storing a list of at least one of a method and a property associated with said first page, wherein a second page is capable of instantiating said page object control and implementing said at least one of a method and a property associated with said first page into said second page." At best, Glaser merely discloses a computer program that displays an Applet list window for listing applets (not shown to have methods or properties) in which the applets (not the applet list itself) may be dragged and dropped into an editor window for running script to design a web page. Without more, claim 1 is allowable over Glaser.

Claim 8 is similar to claim 1 and is allowable for at least the reasons set forth above for claim 1 and in the Request for Reconsideration for claims 1 and 8.

Claims 2 and 9-11 depend from claims 1 and 8 and are allowable for at least the reasons set forth above and in the Request for Reconsideration.

The *prima facie* case of obviousness fails. The rejection of claims 1, 2, and 8-11 under 35 U.S.C. § 103(a) should be reversed.

B. Claim 3 and dependent claims 4-7 are Patentable, Under 35 U.S.C. § 103(a), Over Glaser

Claim 3 recites editing a first page, referencing a second page from the first page, referencing at least one of a method or property from the first page, the at least one of a method or property being associated with the second page and storing the first page.

The Examiner equated the "first page" of claim 3 with the Code Editor window of Glaser (Glaser, Fig. 6C and Abstract) in the Final Office Action dated November 7, 2002. However, the Code Editor window of Glaser (Fig. 6C) is not equivalent or suggestive of the first page as recited in Claim 3. The Patent Office asserted in the Final Office Action dated November 7, 2002 that an applet in Glaser is dragged from a window displaying the applet object to a drop location "resulting in a transfer of the applet object ... onto the new form." See Final Office Action, page 4, 3rd paragraph. Even assuming *arguendo* that this is true, Glaser still fails to teach or suggest claim 3. Claim 3 recites referencing the second page from the first page. Glaser merely discloses a computer program that displays windows containing objects to drag and drop but fails to teach or suggest pages. Even if one were to erroneously conclude that the windows were pages, Glaser still fails to teach or suggest referencing the second window from the first window. Glaser merely discloses a user dragging an element from one portion of a display to another but does not teach or suggest referencing the second page from the first page. As pointed out in the Request for Reconsideration, Glaser illustrates in Fig. 6C, a user dragging and dropping "FORM1" into a code editor window. However, the windows themselves do not reference each other. Rather, a user drags an element from one window and drops it into a second. Thus, Glaser fails to teach or suggest claim 3.

In response to this deficiency in Glaser, the Advisory Action dated March 5, 2003 states that "since Applicant does not clarify the definition of a page object control in the instant claims, said control can be fairly interpreted (within the scope of the art) as taught by Glaser". However, claim 3 does not recite a page object control. Nor did Appellants assert that claim 3 was allowable because of a definition of a page object control. The Advisory Action does not provide a rationale for maintaining the rejection of claim 3. Appellants' arguments in support of claim 3 remain unrefuted and uncontested by the Patent Office.

Claims 4-7 depend from claim 3 and are allowable for at least the reasons set forth above for claim 3. As Glaser fails to teach or suggest the recitations of claim 3, and the Examiner has not pointed to any teachings in Glaser that would have suggested the combination, claim 3 is allowable over Glaser.

Thus, the *prima facie* case of obviousness fails. The rejection of claims 3-7 under 35 U.S.C. § 103(a) should be reversed.

IX. CONCLUSION

For all of the foregoing reasons, Appellants respectfully submit that the final rejection of claims 1-11 is improper and should be reversed.

Respectfully submitted,

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APPENDIX

CLAIMS INVOLVED IN THE APPEAL

1. A computer-readable medium having stored thereon a data structure, comprising:

a page object control on a first page for storing a list of at least one of a method and a property associated with said first page,

wherein a second page is capable of instantiating said page object control and implementing said at least one of a method and a property associated with said first page into said second page.

2. The computer-readable medium according to claim 1, wherein at least one of said method and said property includes values settable by a developer.

3. A computer-implemented method for creating a first page capable of referencing a second page comprising the steps of:

editing said first page;

referencing said second page from said first page;

referencing at least one of a method or property from said first page, said at least one of a method or property being associated with said second page;

storing said first page.

4. The method according to claim 3, further comprising the step of:

creating the second page including adding a page object control to said second page, said page object control specifying at least one method or property stored on said second page.

5. The method according to claim 3, further comprising the step of:

creating the second page including adding a page object control to said second page, said page object control specifying at least one method or property related to said second page.

6. The method according to claim 4, further comprising the step of modifying the page object control.

7. The method according to claim 5, further comprising the step of modifying the page object control.

8. A system for allowing manipulation of pages as objects for exchange between a client and server comprising:

a first page object control on a first page;

a second page object control on a second page, said second page object control storing a list, said list comprising at least one of a method and a property associated with said second page;

at least one method on said second page;

wherein said first page retrieves said second page object control and is capable of incorporating at least one method or property from said list to support script in said first page.

9. The system of claim 8 wherein the at least one of a method and a property associated with said first page comprise values settable by a developer.

10. The system of claim 9 wherein the first page is on a client.

11. The system of claim 9 wherein the first page is on a server.